

MEMO ENDORSED

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Leonid Falberg, as representative of a class of
similarly situated persons, and on behalf of The
Goldman Sachs 401(k) Plan,

Plaintiff,

v.

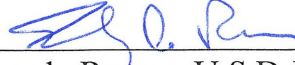
The Goldman Sachs Group, Inc., The Goldman
Sachs 401(k) Plan Retirement Committee, and John
Does 1-20,

Defendants.

Case No. 1:19-cv-09910-ER

PLAINTIFF'S MOTION FOR LEAVE TO FILE UNDER SEAL

The application is x granted
_____ denied



Edgardo Ramos, U.S.D.J.
Dated: 04/04/2022
New York, New York

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Section 3(ii) of the Court's Individual Practices, Plaintiff Leonid Falberg ("Plaintiff") hereby moves this Court for an order allowing him to file the following materials under seal in connection with his opposition to Defendants' Motion for Summary Judgment:

1. An unredacted Memorandum in Opposition to Defendants' Motion for Summary Judgment and in Support of Plaintiff's Cross Motion for Partial Summary Judgment (which references material designated as "Confidential" by Defendants)¹;
2. An unredacted Plaintiff's Response to Defendants' Statement of Material Facts Pursuant to Local Rule 56.1²;

¹ Plaintiff intends to publicly file a redacted version of the Memorandum that omits references to material designated as "Confidential" by Defendants.

² Plaintiff intends to publicly file a redacted version of Plaintiff's Response to Defendants' Statement of Material Facts Pursuant to Local Rule 56.1 that omits references to material designated as "Confidential" by Defendants.

3. An unredacted Plaintiff's Local Rule 56.1 Statement of Additional Material Facts³;
4. The following exhibits to the Declaration of Ben Bauer that contain material, or mentions to material, designated as confidential by Defendants pursuant to the Protective Order in his action (*ECF No. 48*): 2-31, 33-85.

On March 24, 2022, Plaintiff requested Defendants' permission to publicly file the materials in question, but Defendants declined to grant such permission. Plaintiff takes no position on whether these materials have been properly designated as confidential by Defendants, and it shall be Defendants' obligation to support this motion as the parties who designated the underlying material "Confidential."

WHEREFORE, subject to Defendants making the necessary showing, Plaintiff respectfully requests that this Court enter an order allowing him to file the aforementioned materials under seal in connection with his response to Defendant's Motion for Summary Judgment.

Respectfully Submitted,

Dated: March 28, 2022

NICHOLS KASTER, PLLP

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*appearing *pro hac vice*

-and-

³ Plaintiff intends to publicly file a redacted version of Plaintiff's Local Rule 56.1 Statement of Material Facts that omits references to material designated as "Confidential" by Defendants.